

PCT  
#3PATENT  
MOS01 P-120

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Serial No. : 10/526,703  
U.S. Filing Date : March 4, 2005  
Applicants : Hermann Franzen et al.  
International Filing Date : August 28, 2003  
International Application No. : PCT/EP2003/009511  
For : **TRANSFER PLANT AND METHOD FOR  
LOADING AND UNLOADING CONTAINERS  
FROM CONTAINER SHIPS**  
  
Atty Docket No. : MOS01 P-120  
Customer No. : 28101

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING**

I hereby certify that this paper along with the attached Submittal of International Preliminary Examination Report Made by the International Bureau of WIPO (1 page); English language translation of the International Preliminary Examination Report (7 pages); and return postal card are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 17, 2005.

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P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUBMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
**MADE BY THE INTERNATIONAL BUREAU OF WIPO**

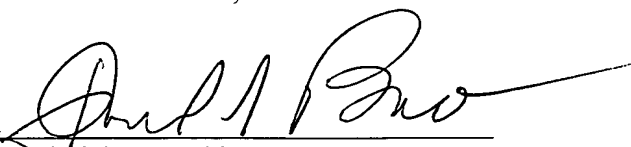
Enclosed is an English language translation of the International Preliminary Examination Report made by the International Bureau of WIPO. Please enter this document into the file of the above-identified pending United States patent application.

Respectfully submitted,

HERMANN FRANZEN ET AL.

By: Van Dyke, Gardner, Linn  
& Burkhart, LLP

Dated: June 17, 2005.

  
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Enclosures

**PCT**

NOTIFICATION OF TRANSMITTAL  
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EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

MOSER, Jörg  
Rosastrasse 6A  
45130 Essen  
ALLEMAGNE

|  |   |
|--|---|
| Date of mailing (day/month/year)<br>26 May 2005 (26.05.2005) | <b>IMPORTANT NOTIFICATION</b>   |
| Applicant's or agent's file reference<br>2002P12335WO        |   |
| International application No.<br>PCT/EP2003/009511           | International filing date (day/month/year)<br>28 August 2003 (28.08.2003) |
| Applicant<br>GOTTWALD PORT TECHNOLOGY GMBH et al             |   |

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

|   |                                       |
|---|---------------------------------------|
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland | Authorized officer<br><br>Ellen Moyse |
| Facsimile No. +41 22 740 14 35  | Facsimile No. +41 22 338 89 75        |

**Translation**

**PATENT COOPERATION TREATY**

PCT/EP2003/009511



**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br>2002P12335WO                                      | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/TPEA/416) |  |
| International application No.<br>PCT/EP2003/009511   | International filing date (day/month/year)<br>28 August 2003 (28.08.2003)   | Priority date (day/month/year)<br>12 September 2002 (12.09.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B66C 19/00 |   |  |
| Applicant<br>GOTTWALD PORT TECHNOLOGY GMBH   |   |  |

|   |
|---|
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>6</u> sheets.</p>   |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |

|   |  |
|---|--|
| Date of submission of the demand<br>06 February 2004 (06.02.2004) | Date of completion of this report<br>09 August 2004 (09.08.2004) |
| Name and mailing address of the IPEA/EP                           | Authorized officer   |
| Facsimile No.   | Telephone No.  |

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009511

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages 1-18, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 1-17, filed with the letter of 10 July 2004 (10.07.2004)
- ☒ the drawings:  
pages 1/12-12/12, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/09511

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-17 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-17 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-17 | YES |
|                               | Claims |      | NO  |

### 2. Citations and explanations

#### 1. Independent claim 1:

##### 1.1 PCT Article 33(2):

Document D1 (JP 11 278790 A, see figures 1-3 and the abstract) is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses refer to D1) a transshipment system having a vertical support which is supported on the landward side and on which a horizontal jib is held, which on the seaward side extends beyond the ship to be unloaded and along which a horizontal transport device 17 or 26 can travel that cooperates with lifting and lowering devices 11, 14 disposed on the landward and the seaward side as well as on the horizontal arm and designed to receive the containers 21, at least two horizontal transport devices 17, 26 being disposed on the horizontal arm which independently of each other can travel along the horizontal arm between landward and seaward lifting and lowering devices.

In the transshipment installation according to document D1 the horizontal transport devices are

designed such that they can travel through each other in such a way that both can independently of each other travel back and forth between the landward and seaward lifting and lowering devices.

The subject matter of claim 1 therefore differs from the known transshipment system in that the at least two horizontal transport devices independently of each other and next to each other can travel back and forth along the horizontal arm between landward and seaward lifting and lowering devices.

None of the features of claim 1 is disclosed by either document D1 or any of the international search report citations. The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

1.2 PCT Article 33(3):

The problem to be solved by the present invention is understood to be that of creating a further transshipment system with high transshipment capacities.

Document D2 (JP 2000 143154 A) discloses a further transshipment system having two horizontal transport devices 17, 26 which independently of each can travel back and forth between the landward and seaward lifting and lowering devices but which, as in document D1, can travel through each other.

Document D3 (JP 10 330078 A) discloses a transshipment system having two horizontal transport devices which independently of each other can travel back and forth between the landward and seaward

lifting and lowering devices, an intermediate storage device 27 being disposed between the two horizontal transport devices 17, 26 in which the horizontal transport devices 17, 26 can set down containers or from which they can pick up containers. The horizontal transport devices 17, 26 cannot travel alongside each other or through each other.

The available prior art does not suggest or disclose a transshipment system having at least two horizontal transport devices which can travel along the horizontal arm independently of each other and alongside each other between landward and seaward lifting and lowering devices. The solution to the problem put forward in claim 1 of the present application therefore involves an inventive step (PCT Article 33(3)).

2. Dependent claims 2-14:

Claims 2 to 14 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

3. Independent claim 15:

The available prior art does not suggest or disclose a method for loading containers on to and unloading containers from container ships using a transshipment system having at least two horizontal transport devices and intermediate storage devices disposed on the horizontal arm near the landward and/or seaward lifting and lowering devices, in which the landward and seaward lifting and lowering devices and the



horizontal transport devices can set down containers or from which they can pick up containers (PCT Article 33(2) and (3)).

4. Dependent claims 16 and 17:

Claims 16 and 17 are dependent on claim 15 and therefore likewise meet the PCT requirements for novelty and inventive step.

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